

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, June 8, 2005
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 25, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, June 1, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 25, 2005.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: May 11, 2005.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 9 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. Update of Waste Discharge Requirements: West Miramar, Anza, and Otay Annex Landfills (tentative Addendum No. 2 to Order No. 93-86) *(Brian McDaniel)*
6. Update of Waste Discharge Requirements: Ramona Landfill (tentative Addendum No. 1 to Order No. 2000-06) *(Brian McDaniel)*
7. Update of Waste Discharge Requirements: Sycamore Landfill (tentative Addendum No. 1 to Order No. 99-74) *(Brian McDaniel)*
8. Update of Waste Discharge Requirements: Prima Deshecha Landfill, Orange County (tentative Addendum No. 1 to Order No. R9-2003-306) *(Brian McDaniel)*
9. Settlement of Liability Against Fieldstone Communities, Inc. and Florida Southchase, L.P. for Violation of Water Code Section 13376 and SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity, Morro Hills, Oceanside, San Diego County. The Regional Board will consider accepting a proposed settlement in response to Administrative Civil Liability (ACL) Complaint Nos. R9-2005-0107 and 0108. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Resolution No. R9-2005-0166) *(Frank Melbourn)*

Remainder of the Agenda (Non-Consent Items):

10. New NPDES Permit: City of Escondido, Industrial Brine Collection System Discharge to the Pacific Ocean via the San Elijo Ocean Outfall (tentative Order No. R9-2005-0139, NPDES No. CA0109215) *(Bryan Ott)*
11. NPDES Permit Reissuance: San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall (tentative Order No. R9-2005-0100, NPDES No. CA0107999) *(Bryan Ott)*
12. NPDES Permit Reissuance: City of Escondido Hale Avenue Resource Recovery Facility, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall (tentative Order No. R9-2005-

0101, NPDES No. CA0107981) (*Bryan Ott*)

13. Section 401 Water Quality Certification: City of San Diego, Fashion Valley Road River Crossing Repair, San Diego River. Discussion of impacts to water quality and beneficial uses and alternatives to avoid and minimize impacts. (*Michael Porter*)
14. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against Metropolitan Transit System and Development Board for violations of the State Board's General Construction Storm Water Permit Order No. 99-08-DWQ at its Mission Valley East Light Rail Transit Project construction site in San Diego/La Mesa. The Regional Board will decide on an order assessing liability. (Tentative Order No. R9-2005-0173) (*Vicente Rodriguez*)
15. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (*Phil Hammer*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgment, Request for Jury Trial.
16. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
17. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.

18. *Executive Session - Personnel*
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
19. Arrangements for Next Meeting and Adjournment
Wednesday, June 29, 2005 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

- A. On July 8, 2005 the San Diego Regional Water Quality Control Board members will tour San Diego Bay onboard a U.S. Navy vessel to view water quality sites of interest. The Board will not take action during the tour or consider public testimony on issues before the Board. Questions regarding this tour may be directed to staff member, Mr. Pete Michael at (858) 467-2952.
- B. On May 17, 2005 the Executive Officer issued a revised Cleanup and Abatement Order (CAO) No. R9-2004-0258 to Teledyne Ryan Aeronautical Company, Teledyne Industries, Inc., TDY Holdings, LLC, and TDY Industries, Inc. (collectively TDY) for discharges of waste from 2701 North Harbor Drive, San Diego to land and to San Diego Bay. This CAO contains revisions made as a follow-up to discussions and communications between the Regional Water Board and TDY representatives since the October 4, 2004 issuance of CAO No. R9-2004-0258. Except as contradicted or superceded by the findings and directives set forth in this revised CAO, all of the previous findings and directives of CAO No. R9-2004-0258 issued on October 4, 2004 are incorporated into this revised CAO. The revised CAO directs TDY to cleanup and abate the effects of the waste discharges described in the CAO findings. (*John Phillips and John Anderson*)